



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**THE JOHN A. WILSON BUILDING**  
**1350 PENNSYLVANIA AVENUE, NW**  
**WASHINGTON, DC 20004**

**Charles Allen**  
Councilmember, Ward 6

**Chairperson**  
Committee on the Judiciary and Public Safety  
**Co-Chairperson**  
Special Committee on COVID-19 Pandemic Recovery

**Committee Member**  
Business and Economic Development  
Health  
Transportation and the Environment

February 15, 2021

Nyasha Smith, Secretary  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Secretary Smith:

Today, along with Chairman Phil Mendelson and Councilmembers Brooke Pinto, Anita Bonds, Mary M. Cheh, Christina Henderson, Janeese Lewis George, Kenyan R. McDuffie, Brianne K. Nadeau, Elissa Silverman, and Robert C. White, Jr., I am introducing the **"Expanding Supports for Crime Victims Amendment Act of 2021"**. Please find enclosed a signed copy of the legislation.

This legislation improves the resources available to victims of crime in the District of Columbia in a number of ways. The bill expands a victim's eligibility to receive compensation through the D.C. Superior Court's Crime Victims Compensation Program by including new offenses (e.g., destruction of property and criminal abuse of a vulnerable adult or elderly person) for which victims can qualify. The bill also includes out-patient counseling by licensed professional counselors as medical expenses for which victims can receive compensation. Additionally, the bill increases the maximum amount of compensation available to parents, guardians, custodians, or primary caregivers, to more than two children.

The bill also establishes two new forms of advocates available to victims who have experienced certain crimes: "crime victim advocates" and "members of hospital-based violence intervention programs". First, the bill creates crime victim advocates to assist victims of certain serious violent crimes (e.g., attempted murder and aggravated assaults) in navigating the complex civil and criminal legal systems. The bill makes communications between these crime victim advocates and victims confidential, allowing victims to seek advice and counsel without fear that statements made to their advocates will be disclosed to other parties. The creation of this new form of advocate, and the confidentiality for communications with that advocate, mirror the existing law

governing domestic violence counselors<sup>1</sup> and human trafficking counselors.<sup>2</sup> Second, the bill formally establishes hospital-based (sometimes referred to as hospital-affiliated or hospital-linked) violence intervention programs. Hospital-based violence intervention programs, or “HVIPs”, have operated in the District for several years and receive funding through the Office of Victim Services and Justice Grants. HVIPs serve victims who present at hospitals with serious, intentionally-inflicted injuries (e.g., gunshot and stab wounds), with the goals of promoting recovery and preventing future victimization and retaliatory violence. The bill would make communications between victims and staff members of an HVIP confidential so that victims can speak candidly. The bill would also grant to gunshot and stabbing wound victims, who represent the vast majority of HVIP patients, the right to have an HVIP member present during examinations at the hospital and interviews with law enforcement officials. This place-based right to HVIP members in certain settings is comparable to sexual assault survivors’ right to have an advocate present in certain hospital settings, which was conferred to survivors in the Sexual Assault Victims’ Rights Amendment Act of 2014.

Further, the bill creates a more robust procedure for seeking the disclosure of confidential communications with a domestic violence counselor, human trafficking counselor, sexual assault counselor, member of an HVIP, or crime victim advocate. The new procedure requires that victims be notified of, and given an opportunity to object to, requests to compel disclosure of confidential communications.

The bill additionally prohibits the execution of arrest warrants on sexual assault victims while they are seeking emergency medical treatment or medical forensic care. It also creates a private right of action for injunctive relief for sexual assault victims whose rights under District law have been violated. Finally, the bill closes a loophole in the District’s criminal law to ensure that any sexual conduct by law enforcement officials with arrestees or detainees is explicitly criminalized.

Victims of crime often face a long and difficult path to recovery. It is critical that they are provided with the necessary resources to survive, heal, and flourish, such as financial assistance to offset costs associated with the victimization and guidance in navigating victim assistance programs and legal systems.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles Allen", with a stylized, flowing script.

Charles Allen, Ward 6 Councilmember  
Chairperson, Committee on the Judiciary and Public Safety

---

<sup>1</sup> See D.C. Official Code § 14-310.

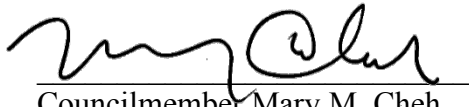
<sup>2</sup> See D.C. Official Code § 14-311.



Chairman Phil Mendelson



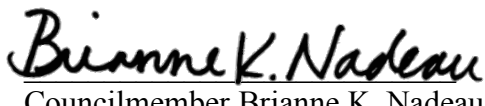
Councilmember Brooke Pinto



Councilmember Mary M. Cheh



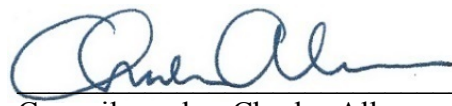
Councilmember Janeese Lewis George



Councilmember Brianne K. Nadeau



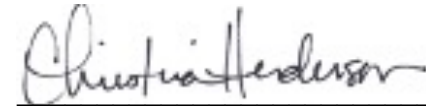
Councilmember Robert C. White, Jr.



Councilmember Charles Allen



Councilmember Anita Bonds



Councilmember Christina Henderson



Councilmember Kenyan R. McDuffie



Councilmember Elissa Silverman

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Victims of Violent Crime Compensation Act of 1996 to expand the definitions of “collateral source,” “crime,” and “medical expenses,” to provide definitions for the terms “intimate partner” and “minor,” to expand eligibility for victims of crime to receive compensation, to increase the compensation available to claimants who are or were the parent, guardian, custodian, or primary caregiver to more than two children, and to provide additional methods for claimants to satisfy the reporting requirement for crime victim compensation; to amend the District of Columbia Mental Health Information Act of 1978 to make conforming changes; to amend Title 14 of the District of Columbia Code to establish crime victim advocacy programs and hospital-based violence intervention programs and to make communications between victims and crime victim advocates or members of hospital-based violent intervention programs confidential, and to require that clients have notice of and an opportunity to object to potential disclosures of confidential communications; to amend the Anti-Sexual Abuse Act of 1994 to explicitly criminalize the

first or second degree sexual abuse of an arrestee or detainee; and to amend Title 23 of the District of Columbia Code to provide victims of gunshot and stabbing wounds with the right to have a member of a hospital-based violence intervention program present during any forensic medical, evidentiary, or physical examination at the hospital or interviews with law enforcement at the hospital, to allow sexual assault victims to pursue injunctive relief for violations of their rights, and to prevent the execution of arrest warrants on sexual assault victims seeking emergency medical treatment or medical forensic care.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Expanding Supports for Crime Victims Amendment Act of 2021”.

Sec. 2. The Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11-243; D.C. Official Code § 4–501 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 4–501) is amended as follows:

(1) The lead-in language is amended by striking the phrase “chapter the” and inserting the phrase “chapter, the” in its place.

(2) Paragraph (3) is amended to read as follows:

“(3) “Collateral source”:

“(A) Means a source of benefits or compensation available to a claimant for economic loss resulting from a crime; and

“(B) Includes payments or benefits from:

“(i) The offender;

“(ii) The United States, District of Columbia, a state or territory of the United States or its political subdivisions, or an agency of the foregoing, including Social Security, Medicare, Medicaid, workers’ compensation, public employees’ disability compensation, the Department of Human Services, the Department of Health, the Child and Family Services Agency, or Court Social Services;

“(iii) A wage continuation program of an employer;

74 “(iv) A contract of life, health, disability, liability, or fire and  
75 casualty insurance, or a contract providing prepaid hospital or health care benefits;

76 “(v) Proceeds of a lawsuit brought as a result of the crime; or

77 “(vi) Life insurance proceeds of more than \$50,000.”.

78 (3) Paragraph (6) is amended to read as follows:

79 “(6) “Crime” means the following offenses, or any attempt to commit the following  
80 offenses, whether prosecuted under the District of Columbia Official Code or the United States  
81 Code:

82 “(A) Acts of terrorism as defined in section 103 of the Omnibus Anti-  
83 Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14-194; D.C Official Code § 22-  
84 3153), or 18 U.S.C. § 2331, committed in the District of Columbia against any person or outside  
85 of the United States against a resident of the District of Columbia;

86 “(B) Arson, as defined in section 820 of An Act To establish a code of law  
87 for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Official Code § 22–  
88 301);

89 “(C) Assault with intent to kill, rob, or poison, or to commit first degree  
90 sexual abuse, second degree sexual abuse or child sexual abuse, as defined in section 803 of An  
91 Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat.  
92 1331; D.C. Official Code § 22–401);

93 “(D) Assault with intent to commit mayhem or with a dangerous weapon,  
94 as described in section 804 of An Act To establish a code of law for the District of Columbia,  
95 approved March 3, 1901 (31 Stat. 1331; D.C. Official Code § 22–402);

96                               “(E) Assault with intent to commit any offense, as defined in section 805 of  
97   An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat.  
98   1331; D.C. Official Code § 22–403); and

99                               “(F) Assault, as defined in section 806 of An Act To establish a code of law  
100   for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Official Code § 22–  
101   404);

102                              “(G) Aggravated assault, as defined in section 806a of An Act To establish  
103   a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Official  
104   Code § 22–404.01);

105                              “(H) Assault on member of police force, campus or university special  
106   police, or fire department, as described in Revised Statutes of the District of Columbia (D.C.  
107   Official Code § 22-405);

108                              “(I) Burglary, as defined in section 823 of An Act To establish a code of  
109   law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Official Code §  
110   22–801);

111                              “(J) Carjacking, as defined in section 811a(a)(1) of An Act To establish a  
112   code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Official  
113   Code § 22–2803(a)(1)); or

114                              “(K) Armed carjacking, as defined in section 811a(b)(1) of An Act To  
115   establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C.  
116   Official Code § 22–2803(b)(1);

117                   “(L) Criminal abuse of a vulnerable adult or elderly person, as defined in  
118   section 203 of the Senior Protection Amendment Act of 2000 (D.C. Law 13-301; D.C. Official  
119   Code § 22–933);

120                   “(M) Cruelty to animals, as defined in section 1 of Chapter 106 of the Acts  
121   of the Legislative Assembly, approved August 23, 1871, effective August 23, 1871 (D.C. Official  
122   Code § 22-1001), when committed against the victim’s animal;

123                   “(N) Cruelty to children, as defined in section 3 of An Act To establish a  
124   code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Official  
125   Code § 22–1101);

126                   “(O) The following offenses that resulted in death or bodily injury to a  
127   person, notwithstanding that the offender lacked the capacity to commit the offense by reason of  
128   infancy, insanity, intoxication, or otherwise:

129                   “(i) Speeding and reckless driving, as defined in section 9 of the  
130   District of Columbia Traffic Act, effective March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-  
131   2201.04);

132                   “(ii) Fleeing from a law enforcement officer in a motor vehicle, as  
133   defined in section 10b of District of Columbia Traffic Act, effective March 3, 1925 (43 Stat. 1119;  
134   D.C. Official Code § 50-2201.05b);

135                   “(iii) Leaving after colliding, as defined in section 10c of District of  
136   Columbia Traffic Act, effective March 3, 1925 (43 Stat. 1119; D.C. Official Code § 2201.05c);

137                   “(iv) Object falling or flying from vehicle, as defined in section 10d  
138   of District of Columbia Traffic Act, effective March 3, 1925 (43 Stat. 1119; D.C. Official Code §  
139   2201.05d);

140                   “(v) Driving under the influence (DUI) of alcohol or a drug, as  
141 defined in section 3b of the Anti-Drunk Driving Act of 1982, effective September 14, 1982; D.C.  
142 Official Code § 50-2206.11);

143                   “(vi) Driving under the influence of alcohol or a drug (commercial  
144 vehicle), as defined in section 3c of the Anti-Drunk Driving Act of 1982, effective September 14,  
145 1982; D.C. Official Code § 50-2206.12);

146                   “(vii) Operating a vehicle while impaired, as defined in section 3e  
147 of the Anti-Drunk Driving Act of 1982, effective September 14, 1982; D.C. Official Code § 50-  
148 2206.14);

149                   “(viii) Operating under the influence of alcohol or a drug (horse-  
150 drawn vehicle), as defined in section 3g of the Anti-Drunk Driving Act of 1982, effective  
151 September 14, 1982; D.C. Official Code § 50-2206.16);

152                   “(ix) Operating under the influence of alcohol or a drug (watercraft),  
153 as defined in section 3j of the Anti-Drunk Driving Act of 1982, effective September 14, 1982;  
154 D.C. Official Code § 50-2206.31); and

155                   “(x) Operating a watercraft while impaired, as defined in section 3l  
156 of the Anti-Drunk Driving Act of 1982, effective September 14, 1982; D.C. Official Code § 50-  
157 2206.33);

158                   “(P) Manufacture, transfer, use, possession, or transportation of Molotov  
159 cocktails, or other explosives for unlawful purposes, as defined in section 15A of An Act To  
160 control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District  
161 of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved  
162 July 8, 1932 (47 Stat. 654; D.C. Official Code § 22-4515a).



163                   “(Q) Forced labor, as defined in section 102 of the Prohibition Against  
164 Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C.  
165 Official Code § 22-1832);

166                   “(R) Trafficking in labor or commercial sex acts, as defined in section 103  
167 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23,  
168 2010 (D.C. Law 18-239; D.C. Official Code § 22-1833);

169                   “(S) Sex trafficking of children, as defined in section 104 of the Prohibition  
170 Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-  
171 239; D.C. Official Code § 22-1834);

172                   “(T) Unlawful conduct with respect to documents in furtherance of human  
173 trafficking, as defined in section 105 of the Prohibition Against Human Trafficking Amendment  
174 Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1835);

175                   “(U) Benefitting financially from human trafficking, as defined in section  
176 106 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23,  
177 2010 (D.C. Law 18-239; D.C. Official Code § 22-1836);

178                   “(V) Kidnapping, as defined in section 812 of An Act To establish a code  
179 of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Official Code §  
180 22-2001);

181                   “(W) Malicious burning, destruction, or injury of another’s property, as  
182 defined in section 848 of An Act To establish a code of law for the District of Columbia, approved  
183 March 3, 1901 (31 Stat. 1331; D.C. Official Code § 22-303), that:

184                   “(i) Resulted from the discharge of a firearm into the victim’s  
185 residence or vehicle while the victim was present; or

186                               “(ii) Was committed by an intimate partner;

187                               “(X) Mayhem or maliciously disfiguring, as defined in section 807 of An

188 Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat.

189 1331; D.C. Official Code § 22–406);

190                               “(Y) Manslaughter;

191                               “(Z) Murder in the first degree (purposeful killing; killing while

192 perpetrating certain crimes), as defined in section 798 of An Act To establish a code of law for the

193 District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Official Code § 22–2101);

194                               “(AA) Murder in the first degree (placing obstructions upon or displacement

195 of railroads), as defined in section 799 of An Act To establish a code of law for the District of

196 Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Official Code § 22–2102);

197                               “(BB) Murder in the second degree, as defined in section 800 of An Act To

198 establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C.

199 Official Code § 22–2103);

200                               “(CC) Murder of law enforcement officer, as defined in section 802a of An

201 Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat.

202 1331; D.C. Official Code § 22–2106);

203                               “(DD) Negligent homicide, as defined in section 802a of An Act To

204 establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C.

205 Official Code § 22–2203.01);

206                               “(EE) Prostitution, where a person was compelled to engage in prostitution

207 or was a minor in a felony violation of an act codified in Chapter 27 of Title 22;

208                   “(FF) Rioting or inciting to riot, as defined in section 901 of An Act relating  
209 to crime and criminal procedure in the District of Columbia, approved December 27, 1967 (81  
210 Stat. 734; D.C. Official Code § 22–1322);

211                   “(GG) Robbery, as defined in section 810 of An Act To establish a code of  
212 law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Official Code §  
213 22–2801);

214                   “(HH) Attempt to commit robbery, as defined in section 811 of An Act To  
215 establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C.  
216 Official Code § 22–2802);

217                   “(II) First degree sexual abuse, as defined in section 201 of the Anti-Sexual  
218 Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-25; D.C. Official Code § 22–3002);

219                   “(JJ) Second degree sexual abuse, as defined in section 202 of the Anti-  
220 Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-25; D.C. Official Code § 22–  
221 3003);

222                   “(KK) Third degree sexual abuse, as defined in section 203 of the Anti-  
223 Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-25; D.C. Official Code § 22–  
224 3004);

225                   “(LL) Fourth degree sexual abuse, as defined in section 204 of the Anti-  
226 Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-25; D.C. Official Code § 22–  
227 3005);

228                   “(MM) Misdemeanor sexual abuse, as defined in section 205 of the Anti-  
229 Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-25; D.C. Official Code § 22–  
230 3006);

231 “(NN) First degree child sexual abuse, as defined in section 207 of the Anti-  
232 Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-25; D.C. Official Code § 22–  
233 3008);

234 “(OO) Second degree child sexual abuse, as defined in section 208 of the  
235 Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-25; D.C. Official Code §  
236 22–3009);

237 “(PP) First degree sexual abuse of a minor, as defined in section 208 of the  
238 Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-25; D.C. Official Code §  
239 22–3009.01);

240 “(QQ) Second degree sexual abuse of a minor, as defined in section 208b  
241 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-25; D.C. Official  
242 Code § 22–3009.02);

243 “(RR) First degree sexual abuse of a secondary education student, as  
244 defined in section 208c of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law  
245 10-25; D.C. Official Code § 22–3009.03);

246 “(SS) Second degree sexual abuse of a secondary education student, as  
247 defined in section 208d of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law  
248 10-25; D.C. Official Code § 22–3009.04);

249 “(TT) Enticing a child or minor, as defined in section 209 of the Anti-Sexual  
250 Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-25; D.C. Official Code § 22–3010);

251 “(UU) Misdemeanor sexual abuse of a child or minor, as defined in section  
252 209a of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-25; D.C.  
253 Official Code § 22–3010.01);

254 “(VV) Arranging for a sexual contact with a real or fictitious child, as  
255 defined in section 209b of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law  
256 10-25; D.C. Official Code § 22–3010.02);

257 “(WW) First degree sexual abuse of a ward, patient, client, arrestee,  
258 detainee, or prisoner, as defined in section 212 of the Anti-Sexual Abuse Act of 1994, effective  
259 May 23, 1995 (D.C. Law 10-25; D.C. Official Code § 22–3013);

260 “(XX) Second degree sexual abuse of a ward, patient, client, arrestee,  
261 detainee, or prisoner, as defined in section 213 of the Anti-Sexual Abuse Act of 1994, effective  
262 May 23, 1995 (D.C. Law 10-25; D.C. Official Code § 22–3014);

263 “(YY) First degree sexual abuse of a patient or client, as defined in section  
264 214 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-25; D.C. Official  
265 Code § 22–3015);

266 “(ZZ) Second degree sexual abuse of a patient or client, as defined in section  
267 215 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-25; D.C. Official  
268 Code § 22–3016);

269 “(AAA) Sexual performances using minors, as defined in section 2 of the  
270 District of Columbia Protection of Minors Act of 1982, effective March 9, 1983 (D.C. Law 4-173;  
271 D.C. Official Code § 22-3102);

272 “(BBB) Stalking, as defined in section 503 of the Omnibus Public Safety  
273 and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official  
274 Code § 22–3133);

275 “(CCC) Threats to do bodily harm, as defined in section 2 of An Act To  
276 confer concurrent jurisdiction on the police court of the District of Columbia in certain cases,  
277 approved July 18, 1912 (37 Stat. 193; D.C. Official Code § 22–407);

278 “(DDD) Voyeurism, as defined in section 105 of the Omnibus Public Safety  
279 Amendment Act of 2006, effective April 24, 2007 (D.C. Law 13-306; D.C. Official Code § 22–  
280 3531); and

281 “(EEE) Use, dissemination, or detonation of a weapon of mass destruction,  
282 as defined in section 105 of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002  
283 (D.C. Law 14-194; D.C. Official Code § 22–3155).”.

284 (4) A new paragraph (8A) is added to read as follows:

285 “(8A) “Intimate partner” means a person:

286 “(A) To whom the offender is or was married;

287 “(B) With whom the offender is or was in a domestic partnership;

288 “(C) With whom the offender has a child in common; or

289 “(D) With whom the offender is, or was, or is seeking to be in a romantic,  
290 dating, or sexual relationship.”.

291 (5) Paragraph (9)(D) is amended as follows:

292 (A) Sub-subparagraph (ii) is amended by striking the phrase “; or” and  
293 inserting a semicolon in its place.

294 (B) Sub-subparagraph (iii) is amended by striking the period and inserting  
295 the phrase “; or” in its place.

296 (C) A new subparagraph (iv) is added to read as follows:

297 “(iv) Individuals licensed by the Board of Professional Counseling:  
298 “(I) As a professional counselor, as described in section  
299 710(a) of the District of Columbia Health Occupations Revision Act of 1985 (D.C. Law 6-99; D.C.  
300 Official Code § 3-1207.10(a));  
301 “(II) As a professional counselor, as described in section  
302 710(c) of the District of Columbia Health Occupations Revision Act of 1985 (D.C. Law 6-99; D.C.  
303 Official Code § 3-1207.10(c)); or  
304 “(III) As a graduate professional counselor, as described in  
305 in section 710(b) of the District of Columbia Health Occupations Revision Act of 1985 (D.C. Law  
306 6-99; D.C. Official Code § 3-1207.10(b)).”.

307 (6) A new paragraph (9A) is added to read as follows:  
308 “(9A) “Minor” means a person under 18 years of age.”.

309 (7) Paragraph (13)(A) is amended by striking the phrase “step, and adopted” and  
310 inserting the phrase “step, foster, and adopted” in its place.

311 (8) Paragraph 14(E) is amended to read as follows:  
312 “(14E) The following driving offenses or a comparable state law regarding driving  
313 offenses:  
314 “(A) Speeding and reckless driving, as defined in section 9 of the District  
315 of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-  
316 2201.04);  
317 “(B) Fleeing from a law enforcement officer in a motor vehicle, as defined  
318 in section 10b of District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1119; D.C.  
319 Official Code § 50-2201.05b);

320                   “(C) Leaving after colliding, as defined in section 10c of District of  
321 Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 2201.05c);  
322                   “(D) Object falling or flying from vehicle, as defined in section 10d of  
323 District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1124; D.C. Official Code §  
324 50-2201.05d);  
325                   “(E) Driving under the influence (DUI) of alcohol or a drug, as defined in  
326 section 3b of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145;  
327 D.C. Official Code § 50-2206.11);  
328                   “(F) Driving under the influence of alcohol or a drug (commercial vehicle),  
329 as defined in section 3c of the Anti-Drunk Driving Act of 1982, effective September 14, 1982  
330 (D.C. Law 4-145; D.C. Official Code § 50-2206.12);  
331                   “(G) Operating a vehicle while impaired, as defined in section 3e of the  
332 Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official  
333 Code § 50-2206.14);  
334                   “(H) Operating under the influence of alcohol or a drug (horse-drawn  
335 vehicle), as defined in section 3g of the Anti-Drunk Driving Act of 1982, effective September 14,  
336 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.16);  
337                   “(I) Operating under the influence of alcohol or a drug (watercraft), as  
338 defined in section 3j of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C.  
339 Law 4-145; D.C. Official Code § 50-2206.31); and  
340                   “(J) Operating a watercraft while impaired, as defined in section 3l of the  
341 Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official  
342 Code § 50-2206.33).”.



(b) Section 3 (D.C. Official Code § 4-502) is amended by striking the phrase “claims of victims of violent crime” and inserting the phrase “claims of claimants” in its place.

(c) Section 4 (D.C. Official Code § 4-503) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “the Superior Court of the District of Columbia (“Court”)” and inserting the phrase “the Court” in its place.

(2) Subsection (c)(6) is amended by striking the phrase “the Crime Victims Compensation Appeals Board (“Board”), the District of Columbia Metropolitan Police Department, the U.S. Attorney’s Office, the Corporation Counsel of the District of Columbia” and inserting the phrase “the Board, the Metropolitan Police Department, the Office of the Attorney General for the District of Columbia, the Office of the United States Attorney for the District of Columbia” in its place.

(d) Section 5 (D.C. Official Code § 4-504) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Commission (“Commission”) is established” and inserting the phrase “Commission is established” in its place.

(2) Subsection (c) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “Committee on the Judiciary of the Council of the District of Columbia” and inserting the phrase “Committee of the Council of the District of Columbia with jurisdiction over judicial matters and victims’ compensation” in its place.

(B) Paragraph (2) is amended by striking the phrase “the Corporation Counsel” and inserting the phrase “Attorney General for the District of Columbia” in its place.

(C) Paragraph (3) is amended by striking the phrase “U.S. Attorney’s Office” and inserting the phrase “Office of the United States Attorney for the District of Columbia” in its place.

(D) Paragraph (7) is amended by striking the phrase “District of Columbia Department of Corrections” and inserting the phrase “Department of Corrections” in its place.

(e) Section 6 (D.C. Official Code § 4-505(a)) is amended by striking the phrase “Board (“Board”) is” and inserting the phrase “Board is” in its place.

(f) Section 7 (D.C. Official Code § 4–506) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) The lead-in language is amended by striking the phrase “he or she” and inserting the phrase “the victim or secondary victim” in its place.

(B) Paragraph (2) is amended to read as follows:

“(2) Filed a claim under this chapter within one year after:

“(A) The crime occurred; or

“(B) Learning of the Program, with an adequate showing that the delay in learning of the Program was reasonable; and”.

(2) A new subsection (a-1) is added to read as follows:

“(a-1)(1) A victim may be eligible to receive compensation in cases where the victim is a family member or household member of the perpetrator of the crime for which compensation is sought.

“(2) The identification, arrest, prosecution, or conviction of a perpetrator of the crime for which compensation is sought is not required for a victim to be eligible for compensation.

386 “(3) Unless an application for rehearing, appeal, or petition for certiorari is pending  
387 or a new trial or hearing has been ordered, conviction of the perpetrator of the crime for which  
388 compensation is sought is conclusive evidence that a crime was committed.

389 “(4) The Program may make its determination of a victim’s eligibility based on the  
390 facts of the crime for which compensation is sought instead of the offense listed in the police report  
391 or criminal charge.”.

392 (3) Subsection (c) is amended to read as follows:

393 “(c) Notwithstanding subsection (a)(3) of this section, a victim who does not report the  
394 crime to the local police department may satisfy the reporting requirement by:

395 “(1) In the case of a domestic violence victim, seeking a:

396 “(A) Temporary protection order or civil protection order from the court; or

397 “(B) Forensic medical, evidentiary, or physical examination;

398 “(2) In the case of a stalking victim, seeking a temporary anti-stalking order or anti-  
399 stalking order from the court;

400 “(3) In the case of a sexual assault victim:

401 “(A) Seeking a:

402 “(i) Temporary civil protection order or civil protection order from  
403 the court; or

404 “(ii) Forensic medical, evidentiary, or physical examination; or

405 “(B) Reporting the offense to a law enforcement office before expiration of  
406 the applicable statute of limitations for that offense, as provided in D.C. Official Code § 23-113;  
407 or

408 “(4) In the case of a victim of cruelty to children, the filing of a neglect petition by  
409 the District of Columbia in the Court.”.

410 (g) Section 8 (D.C. Official Code § 4–507) is amended as follows:

411 (1) Subsection (a-1) is amended by striking the phrase “himself or herself of” and  
412 inserting the phrase “themselves of” in its place.

413 (2) Subsection (b) is amended to read as follows:

414 “(b)(1) The Court shall not award compensation in an amount exceeding \$25,000 per  
415 victimization unless the claimant is or was the parent, guardian, custodian, or primary caregiver to  
416 more than two children who reside or resided with the victim.

417 “(2) If the claimant is or was the parent, guardian, custodian, or primary caregiver  
418 to more than two children who reside or resided with the victim, the Court may award additional  
419 compensation to the claimant of up to \$5,000 for each child in the claimant’s care, beginning with  
420 the third child.”.

421 (h) Section 10(d) (D.C. Official Code § 4-509(d)) is amended by striking the phrase “the  
422 Corporation Counsel of” and inserting the phrase “the Office of the Attorney General for” in its  
423 place.

424 (i) Section 13 (D.C. Official Code § 4–512) is amended as follows:

425 (1) Subsection (a) is amended by striking the phrase “or by electronic mail” and  
426 inserting the phrase “online, or by electronic mail” in its place.

427 (2) Subsection (b) is amended by striking the phrase “claimant by first class mail  
428 or electronic mail, along” and inserting the phrase “claimant, along” in its place.

429 (3) Subsection (c) is amended by striking the phrase “claimant by first class mail  
430 or electronic mail, along” and inserting the phrase “claimant, along” in its place.

(j) Section 16a(a) (D.C. Official Code § 4-515.01(a)) is amended by striking the phrase “Services.” and inserting the phrase “Services and Justice Grants.” in its place.

(k) Section 17(a) (D.C. Code Official Code § 4–516(a)) is amended to read as follows:

“(a)(1) In addition to and separate from punishment imposed, an assessment of \$100 for each violation of the following offenses, an assessment of between \$50 and \$250 for other serious traffic or misdemeanor offenses, and an assessment of between \$100 and \$5,000 for each felony offense shall be imposed upon each person convicted of or pleading guilty or nolo contendere to the offense in the Superior Court of the District of Columbia or any other court in which the offense is charged:

“(A) Leaving after colliding, as defined in section 10c of District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 2201.05c);

“(B) Object falling or flying from vehicle, as defined in section 10d of District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 2201.05d);

“(C) Driving under the influence (DUI) of alcohol or a drug, as defined in section 3b of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.11);

“(D) Driving under the influence of alcohol or a drug (commercial vehicle), as defined in section 3c of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.12);

“(E) Operating a vehicle while impaired, as defined in section 3e of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.14);

454 “(F) Operating under the influence of alcohol or a drug (horse-drawn  
455 vehicle), as defined in section 3g of the Anti-Drunk Driving Act of 1982, effective September 14,  
456 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.16);

457 “(G) Operating under the influence of alcohol or a drug (watercraft), as  
458 defined in section 3j of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C.  
459 Law 4-145; D.C. Official Code § 50-2206.31); and

460 “(H) Operating a watercraft while impaired, as defined in section 3l of the  
461 Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official  
462 Code § 50-2206.33).

463 “(2) The decision of the sentencing court regarding assessments is final.

464 “(3) If an offender is indigent at the time of sentencing and is later employed for  
465 salary, receives compensation while on probation or parole, or is incarcerated in a facility of the  
466 Department of Corrections or elsewhere and receives wages or compensation therein, the amount  
467 of assessments under this section shall be paid from such salary, wages, or other compensation.”.

468 Sec. 3. Section 101(11)(E) of the District of Columbia Mental Health Information Act of  
469 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1201.01(11)(E)), is  
470 amended by striking the phrase “A rape crisis or sexual abuse counselor who has undergone at  
471 least 40 hours of training and is” and inserting the phrase “A sexual assault counselor, as that term  
472 is defined in D.C. Official Code § 23-1907(10), who is” in its place.

473 Sec. 4. Title 14 of the District of Columbia Official Code is amended as follows:

474 (a) Section 14-307 is amended to read as follows:

475 “§ 14-307. Confidential information.

476 “(a) In the Federal courts in the District of Columbia and District of Columbia courts, the  
477 following individuals shall not be permitted, without the written consent of their client or of the  
478 client’s legal representative, to disclose any confidential information that the individual has  
479 acquired in attending the client in a professional capacity and that was necessary to enable the  
480 individual to act in that capacity, whether the information was obtained from the client, the client’s  
481 family, or the person or persons in charge of the client:

482 “(1) Physicians;

483 “(2) Surgeons;

484 “(3) Mental health professionals, as that term is defined in § 7-1201.01(11);

485 “(4) Domestic violence counselors, as that term is defined in § 14-310(a)(2);

486 “(5) Human trafficking counselors, as that term is defined in § 14-311(a)(2);

487 “(6) Sexual assault counselors, as that term is defined in § 23-1907(10);

488 “(7) Members of a hospital-based violence intervention program, as that term is  
489 defined in § 14-313(13); and

490 “(8) Crime victim advocates, as that term is defined in § 14-313(14).

491 “(b) Notwithstanding subsection (a) of this section, the disclosure of confidential  
492 information described in subsection (a) may be ordered for evidence:

493 “(1) In a grand jury, criminal, delinquency, family, or domestic violence  
494 proceeding, where:

495 “(A) A person is accused of or charged with causing the death of or injuring  
496 a human being, or with attempting or threatening to kill or injure a human being, or a report has  
497 been filed with the police pursuant to § 7-2601; and

498 “(B) The disclosure is required in the interests of justice;

499                   “(2) Related to the mental competency or sanity of an accused in criminal trials  
500 where the accused raises the defense of insanity or where the court is required under prevailing  
501 law to raise the defense sua sponte, or in the pretrial or post-trial proceedings involving a criminal  
502 case where a question arises concerning the mental condition of an accused or convicted person;

503                   “(3) Related to the mental competency or sanity of a child alleged to be delinquent,  
504 neglected, or in need of supervision in any proceeding before the Family Division of the Superior  
505 Court;

506                   “(4) In a grand jury, criminal, delinquency, or civil proceeding where a person is  
507 alleged to have defrauded the District of Columbia or federal government in relation to receiving  
508 or providing services under the District of Columbia medical assistance program authorized by  
509 title 19 of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*),  
510 or where a person is alleged to have defrauded a health care benefit program; or

511                   “(5) In a criminal or delinquency proceeding where:

512                   “(A) A person is charged with an impaired driving offense resulting in the  
513 death of or injury to another person; and

514                   “(B) The disclosure is required in the interest of justice.

515                   “(c) For the purposes of this section, the term:

516                   “(1) “Health care benefit program” means any public or private plan or contract  
517 under which a medical benefit, item, or service is or may be provided to an individual, and includes  
518 an individual or entity who provides a medical benefit, item, or service for which payment may be  
519 made under the plan or contract.

520                   “(2) “Injury” includes:

521                   “(A) Physical damage to the body;



522 “(B) A sexual act prohibited by Chapter 30 of Title 22; and

523 “(C) Sexual contact prohibited by Chapter 30 of Title 22.

524 “(d)(1) Before finding that the disclosure of confidential information is required in the  
525 interest of justice, as provided in subsection (b)(1)(B) and (5)(B) of this section, the court shall:

526 “(A) Serve the victim with notice of the potential disclosure of confidential  
527 information; and

528 “(B) Provide the victim with 14 days from the date of service to object to  
529 the disclosure of confidential information and provide an explanation for why the disclosure is not  
530 in the interest of justice.

531 “(2) When determining whether the disclosure of confidential information is  
532 required in the interest of justice, as provided in subsection (b)(1)(B) and (5)(B) of this section,  
533 the court shall consider the rights of crime victims under § 23-1901 and the Crime Victims’ Rights  
534 Act (118 Stat. 2260; 18 U.S.C. 3771 *et seq.*).

535 “(e) If the victim’s ability to object pursuant to subsection (d)(1)(B) of this section is  
536 diminished because of minority, mental impairment, medical incapacity, or some other reason, the  
537 court:

538 “(1) Shall provide notice to the victim’s parent, guardian, or custodian; or

539 “(2) May appoint an attorney to receive the notice on the victim’s behalf.”.

540 (b) New sections 14-313 and 14-314 are added to read as follows:

541 “§ 14–313. Hospital-based violence intervention programs.

542 “(a) For the purposes of this section, the term:

543 “(1) “Confidential communication” means information exchanged between a  
544 victim and a member of a hospital-based violence intervention program during the course of the

member providing counseling, support, and assistance to a victim, including all records kept by the member and the hospital-based violence intervention program concerning the victim and services provided to the victim.

“(2) “Hospital” means a facility that provides 24-hour inpatient care, including diagnostic, therapeutic, and other health-related services, for a variety of physical or mental conditions, and may, in addition, provide outpatient services, particularly emergency care, from which a hospital-based violence intervention program operates.

“(3) “Hospital-based violence intervention program” or “hospital-affiliated violence intervention program” means a non-governmental program that:

“(A) Supports, counsels, and assists victims at hospitals; and

“(B) Receives or has received grant funding from the Office of Victim Services and Justice Grants in the current fiscal year to support, counsel, and assist victims at hospitals.”

“(4) “Member of a hospital-based violence intervention program” means an employee, contractor, or volunteer of a hospital-based violence intervention program.

“(5) “Victim” means a person against whom a crime has been committed or attempted to be committed that resulted in a gunshot or stabbing wound.

“(b)(1) A member of a hospital-based violence intervention program shall not disclose a confidential communication except:

“(A) As required by statute or by a court of law;

“(B) As voluntarily authorized in writing by the victim;

566                   “(C) To other individuals employed at the hospital-based violence  
567 intervention program and third-party providers when, and to the extent necessary, to facilitate the  
568 delivery of services to the victim;

569                   “(D) To the Metropolitan Police Department or other law enforcement  
570 agencies, to the extent necessary to protect the victim or another individual from a substantial risk  
571 of imminent and serious physical injury;

572                   “(E) To compile statistical or anecdotal information, without personal  
573 identifying information, for research or public information purposes; or

574                   “(F) For any confidential communications relevant to a claim or defense if  
575 the victim files a lawsuit against a hospital-based violence intervention program or its members.

576                   “(2) Unless the disclosure is public, confidential communications disclosed  
577 pursuant to paragraph (1) of this subsection shall not be further disclosed by the recipient except  
578 as authorized in paragraph (1) of this subsection.

579                   “(3) The confidentiality of a confidential communication shall not be waived by the  
580 presence of, or disclosure to, a:

581                   “(A) Sign language or foreign language interpreter, who shall be subject to  
582 the limitations and exceptions set forth in paragraph (1) of this subsection and the same privileges  
583 set forth in subsection (c) of this section;

584                   “(B) Third party participating in group counseling with the victim; or

585                   “(C) Third party with the consent of the victim where reasonably necessary  
586 to accomplish the purpose for which the member of a hospital-based violence intervention program  
587 is consulted.

588 “(c)(1) Except as provided in paragraph (2) of this subsection, when a victim is under 12  
589 years of age, has been adjudicated incompetent by a court of competent jurisdiction for the purpose  
590 of asserting or waiving the privilege established by this section, or is deceased, the victim’s parent,  
591 guardian, or personal representative may assert or waive the privilege.

592 “(2) If the parent, guardian, or personal representative of a victim described in  
593 paragraph (1) of this subsection has been charged with an intrafamily offense or has had a  
594 protection order or a neglect petition entered against the parent, guardian, or personal  
595 representative at the request of or on behalf of the victim, or otherwise has interests adverse to  
596 those of the victim with respect to the assertion or waiver of the privilege, the court shall appoint  
597 an attorney for purposes of asserting or waiving the privilege.

598 “(d) The assertion of any privilege under this section is not admissible in evidence.”.

599 “§ 14-314. Crime victim advocates.

600 “(a) For the purposes of this section, the term:

601 “(1) “Confidential communication” means information exchanged between a  
602 victim and a crime victim advocate during the course of the advocate providing counseling,  
603 support, and assistance to a victim, including all records kept by the member and the crime victim  
604 advocate program concerning the victim and services provided to the victim.

605 “(2) “Crime” means the following criminal offenses:

606 “(A) Assault with intent to kill, rob, or poison, or to commit first degree  
607 sexual abuse, second degree sexual abuse or child sexual abuse, as provided in § 22-401;

608 “(B) Assault with intent to commit mayhem or with dangerous weapon, as  
609 provided in § 22-402;

610                   “(C) Aggravated assault, as provided in § 22-404.01;

611                   “(D) Murder in the first degree, as provided in section 798 of An Act To

612 establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C.

613 Official Code § 22-2101);

614                   “(E) Murder in the second degree, as provided in section 800 of Act To

615 establish A code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C.

616 Official Code § 22-2103); and

617                   “(F) Murder of law enforcement officer, as provided in section 802a of An

618 Act To establish a code of law for the District of Columbia, effective May 23, 1995 (D.C. Law 10-

619 256; D.C. Official Code § 22-2106).

620                   “(3) “Crime victim advocacy program” means a nonprofit, non-governmental

621 organization that supports, counsels, and assists victims of crime.

622                   “(4) “Crime victim advocate” means an employee, contractor, or volunteer of a

623 crime victim advocacy program who:

624                   “(A) Is rendering support, counseling, or assistance to a victim;

625                   “(B) Has undergone at least 40 hours of training related to crime victim

626 advocacy that includes instruction on:

627                   “(i) The dynamics and history of violent crime;

628                   “(ii) Trauma resulting from violent crime;

629                   “(iii) Responding to the specific needs of youth victims of violent

630 crime;

631                   “(iv) Trauma-informed care, crisis intervention, personal safety, and

632 risk management;

633 “(v) Cultural humility; and  
634 “(vi) Services available to victims of violent crime; and  
635 “(C) Is supervised by an individual who has a minimum of:  
636 “(i) 5 years of experience rendering support, counseling, or  
637 assistance to victims of violent crime; or  
638 “(ii) 3 years of experience rendering support, counseling, or  
639 assistance victims of violent crime and an advanced degree in a related field.  
640 “(5) “Victim” means a person against whom a crime has been committed or  
641 attempted to be committed.  
642 “(b)(1) A crime victim advocate shall not disclose a confidential communication except:  
643 “(A) As required by statute or by a court of law;  
644 “(B) As voluntarily authorized in writing by the victim;  
645 “(C) To other individuals employed at the crime victim advocacy program  
646 and third-party providers when, and to the extent necessary, to facilitate the delivery of services to  
647 the victim;  
648 “(D) To the Metropolitan Police Department or other law enforcement  
649 agencies, to the extent necessary to protect the victim or another individual from a substantial risk  
650 of imminent and serious physical injury;  
651 “(E) To compile statistical or anecdotal information, without personal  
652 identifying information, for research or public information purposes; or  
653 “(F) For any confidential communications relevant to a claim or defense if  
654 the victim files a lawsuit against a crime victim advocacy program or its members.

655                   “(2) Unless the disclosure is public, confidential communications disclosed  
656 pursuant to paragraph (1) of this subsection shall not be further disclosed by the recipient except  
657 as authorized in paragraph (1) of this subsection.

658                   “(3) The confidentiality of a confidential communication shall not be waived by the  
659 presence of, or disclosure to, a:

660                   “(A) Sign language or foreign language interpreter, who shall be subject to  
661 the limitations and exceptions set forth in paragraph (1) of this subsection and the same privileges  
662 set forth in subsection (c) of this section;

663                   “(B) Third party participating in group counseling with the victim; or

664                   “(C) Third party with the consent of the victim where reasonably necessary  
665 to accomplish the purpose for which the crime victim advocate is consulted.

666                   “(c)(1) Except as provided in paragraph (2) of this subsection, when a victim is under 12  
667 years of age, has been adjudicated incompetent by a court of competent jurisdiction for the purpose  
668 of asserting or waiving the privilege established by this section, or is deceased, the victim’s parent,  
669 guardian, or personal representative may assert or waive the privilege.

670                   “(2) If the parent, guardian, or personal representative of a victim described in  
671 paragraph (1) of this subsection has been charged with an intrafamily offense or has had a  
672 protection order or a neglect petition entered against him or her at the request of or on behalf of  
673 the victim, or otherwise has interests adverse to those of the victim with respect to the assertion or  
674 waiver of the privilege, the court shall appoint an attorney for purposes of asserting or waiving the  
675 privilege.

676                   “(d) The assertion of any privilege under this section is not admissible in evidence.”.

Sec. 5. The Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 *et seq.*), is amended as follows:

(a) Section 212 (D.C. Official Code § 22-3013) is amended to read as follows:

“Sec. 212. First degree sexual abuse of a ward, patient, client, arrestee, detainee, or prisoner.

“Any staff member, employee, contract employee, consultant, or volunteer of a law enforcement agency or at a hospital, treatment facility, law enforcement facility, detention or correctional facility, group home, or other institution; anyone who is an ambulance driver or attendant, bus driver or attendant, or person who participates in the transportation of a ward, patient, client, arrestee, detainee, or prisoner to and from such institutions; or any official custodian of a ward, patient, client, arrestee, detainee, or prisoner, who engages in a sexual act with a ward, patient, client, arrestee, detainee, or prisoner, or causes a ward, patient, client, arrestee, detainee, or prisoner to engage in or submit to a sexual act shall be imprisoned for not more than 10 years or fined not more than the amount set forth in 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or both.”.

(b) Section 213 (D.C. Official Code § 22-3014) is amended to read as follows:

“Sec. 213. Second degree sexual abuse of a ward, patient, client, arrestee, detainee, or prisoner.

“Any staff member, employee, contract employee, consultant, or volunteer of a law enforcement agency or at a hospital, treatment facility, law enforcement facility, detention or correctional facility, group home, or other institution; anyone who is an ambulance driver or attendant, bus driver or attendant, or person who participates in the transportation of a ward,



patient, client, arrestee, detainee, or prisoner to and from such institutions; or any official custodian of a ward, patient, client, arrestee, detainee, or prisoner, who engages in a sexual contact with a ward, patient, client, arrestee, detainee, or prisoner, or causes a ward, patient, client, arrestee, detainee, or prisoner, to engage in or submit to a sexual contact shall be imprisoned for not more than 5 years or fined not more than the amount set forth in 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or both."

Sec. 6. Chapter 19 of Title 23 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended as follows:

(1) A new section heading is added to read as follows:

"23-1906a. Right to member of a hospital-based violence intervention program."

(2) A new section heading is added to read as follows:

"23-1912. Safe harbor."

(b) A new section 23-1906a is added to read as follows:

"§ 23-1906a. Right to member of a hospital-based violence intervention program.

"(a) For the purposes of this subsection, the term:

"(1) "Hospital" means a facility that provides 24-hour inpatient care, including diagnostic, therapeutic, and other health-related services, for a variety of physical or mental conditions, and may, in addition, provide outpatient services, particularly emergency care, from which a hospital-based violence intervention program operates.

"(2) "Hospital-based violence intervention program" or "hospital-affiliated violence intervention program" means a non-governmental program that:

723                   “(A) Supports, counsels, and assists victims at hospitals; and  
724                   “(B) Receives or has received grant funding from the Office of Victim  
725 Services and Justice Grants in the current fiscal year to support, counsel, and assist victims at  
726 hospitals.”

727                   “(2) “Member of a hospital-based violence intervention program” means an  
728 employee, contractor, or volunteer of a hospital-based violence intervention program.

729                   “(3) “Victim” means a person against whom a crime has been committed or  
730 attempted to be committed that resulted in a gunshot or stabbing wound.

731                   “(b) A victim shall have the right to have a member of a hospital-based violence  
732 intervention program present at any:

733                   “(1) Forensic medical, evidentiary, or physical examination at the hospital; or

734                   “(2) Interview with law enforcement at the hospital.”.

735                   (c) Section 23-1911 is amended by striking the phrase “of action or” and inserting the  
736 phrase “of action for damages or” in its place.

737                   (d) A new section 23-1912 is added to read as follows:

738                   “23-1912. Safe harbor.

739                   “(a)(1) A sexual assault victim shall not be arrested by a law enforcement officer when the  
740 sexual assault victim is seeking emergency medical treatment or medical forensic care, related to  
741 a sexual assault, at a hospital, unless a warrant for the sexual assault victim’s arrest has been issued  
742 by a competent court of jurisdiction for the commission of a:

743                   “(A) Dangerous crime, as defined in § 23-1331(3); or

744                   “(B) Crime of violence, as defined in § 23-1331(4).

745               “(2) A law enforcement officer may execute an arrest warrant for the offenses  
746 described in subsection (a)(1) of this section only after the sexual assault victim has received  
747 complete emergency medical treatment or medical forensic care.

748               “(b) A law enforcement officer who encounters a sexual assault victim who does not have  
749 an arrest warrant issued against them for the crimes described in subsection (a) of this section  
750 shall issue a field arrest form to the sexual assault victim.”.

751               Sec. 7. Fiscal impact statement.

752               The Council adopts the fiscal impact statement in the committee report as the fiscal impact  
753 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
754 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

755               Sec. 8. Effective date.

756               This act shall take effect following approval by the Mayor (or in the event of veto by the  
757 Mayor, action by the Council to override the veto), a 60-day period of congressional review as  
758 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24,  
759 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of  
760 Columbia Register.